

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAPHAEL CORDERO CAMPBELL,

Petitioner,

v.

CASE NO. 16-13376

HONORABLE JOHN CORBETT O'MEARA

THOMAS MACKIE,

Respondent.

**ORDER DENYING THE MOTION FOR A STAY [2] AND
DISMISSING THE HABEAS CORPUS PETITION [1] WITHOUT PREJUDICE**

On September 15, 2016, state prisoner Raphael Cordero Campbell ("Petitioner") filed a *pro se* habeas corpus petition challenging his Wayne County, Michigan convictions for carjacking, armed robbery, felon in possession of a firearm, and possession of a firearm during the commission of a felony. Petitioner also filed a motion for a stay of these proceedings, but he failed to pay the filing fee for this action or to apply for leave to proceed *in forma pauperis*.

On September 22, 2016, United States Magistrate Judge R. Steven Whalen ordered Petitioner to submit either the \$5.00 filing fee or an application to proceed *in forma pauperis* within twenty-one days of his order. Magistrate Judge Whalen warned Petitioner that failure to comply with his order could result in the dismissal of this case.

As of today's date, Petitioner has not paid the filing fee for this action, applied for leave to proceed *in forma pauperis*, or sought an extension of time to comply with Magistrate Judge Whalen's order. Additionally, there is no indication on the docket for

this case that Petitioner inquired about his case or failed to receive Magistrate Judge Whalen's order. Accordingly, his motion for a stay (ECF No. 2) is denied, and his habeas petition (ECF No. 1) is dismissed without prejudice for failure to prosecute and for failure to comply with Magistrate Judge Whalen's order. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33 (1962); E.D. Mich. LR 41.2.

Date: November 29, 2016

s/John Corbett O'Meara
United States District Judge

I hereby certify that on November 29, 2016, a copy of this order was served upon the parties of record using the ECF system and/or by first-class U.S. mail.

s/William Barkholz
Case Manager